

"Look at the Facts. Not at the Faces"

10 Steps To Take To Avoid Immigration-Related Employment Discrimination

- 1** Treat all people the same when announcing a job, taking applications, interviewing, offering a job, verifying eligibility to work, hiring, and firing.
- 2** Accept the document(s) the employee presents. As long as the documents prove identity and work authorization and are included in the list on the back of the I-9 form, they are acceptable.
- 3** Accept documents that appear to be genuine. Establishing the authenticity of a document is not your responsibility.
- 4** Avoid "citizen only" or "permanent resident only" hiring policies. In most cases, it is illegal to require job applicants to have a particular immigration status.
- 5** Give out the same job information over the telephone to all callers, and use the same application form for all applicants.
- 6** Base all decisions about firing on job performance and/or behavior, not on the appearance, accent, name, or citizenship status of your employees.
- 7** Complete the I-9 form and keep it on file for at least 3 years from the date of employment or for 1 year after the employee leaves the job, whichever is later. You must also make the form available to government inspectors upon request.
- 8** On the I-9 form, verify that you have seen documents establishing identity and work authorization for all your new employees-U.S. citizens and noncitizens alike-hired after November 6, 1986.
- 9** Remember that many work authorization documents must be renewed on or before their expiration date, and the I-9 form must be updated. This process is called reverification. At this time, you must accept any valid documents your employee chooses to present, whether or not they are the same documents provided initially. (Note: You do not need to see an identity document when the I-9 form is updated.)
- 10** Be aware that U.S. citizenship, or nationality, belongs not only to persons born in the United States but also to all individuals born to a U.S. citizen, and those born in Puerto Rico, Guam, the Virgin Islands, the Commonwealth of Northern Mariana Islands, American Samoa, and Swains Island. Citizenship is granted to legal immigrants after they complete the naturalization process.

For more information, call the OSC Employer Hotline

1-800-255-8155, or visit our website at:

<http://www.usdoj.gov/crt/osc/>

